

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 140, 142-151, and 176-189 are pending in the application, with claims 140 and 179 being the independent claims. New claims 188 and 189 are sought to be added. Claims 140, 142, 148, 150, 179, and 181-183 are sought to be amended. Support for the amendment to the claims can be found, for example, at page 30, lines 10-14 of the as filed specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Interview

Pursuant to 37 C.F.R. § 1.133, Applicant provides the following statement of Substance of the Interview. Applicant expresses his appreciation to Examiner Peyton and Supervisory Patent Examiner Hafiz for the courtesy of an interview with Applicant's representatives, Michael Specht and Kavon Nasabzadeh, on June 9, 2011. During the interview, differences between the references of record and the pending claims were discussed. The details of these differences as discussed during the interview are described below. In view of these differences, Supervisory Patent Examiner Hafiz indicated that a new search would be conducted and, in the event that the new search fails to reveal a reference disclosing at least the features recited in the pending claims discussed below, he is inclined to pass the pending claims to allowance.

Rejections under 35 U.S.C. § 103

Claims 140, 142-151, and 176-187 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. No. 5,347,632 to Filepp et al. ("Filepp"), Applicant's Admission of Prior Art (AAPA), and "Microsoft Complete Baseball," Product Brochure, Microsoft, March 1, 1994 ("Microsoft Complete Baseball"). Applicant respectfully traverses this rejection.

Claim 140 includes a ***single*** "information transport component" that, when executed by a processor, enables access at a user station, via a user interface:

to first fixed information content from a first portable storage medium together with first related remote information content from one or more remote information content sources such that the first fixed information content and the first related remote information content are presented by the user interface as a first single collection of information content, and

to second fixed information content from a second portable storage medium together with second related remote information content from one or more remote information content sources such that the second fixed information content and the second related remote information content are presented by the user interface as a second single collection of information content,

wherein the first portable storage medium and the second portable storage medium are provided by different independent publishers

Prior to the invention of claim 140, there was no ***single***, "information transport component" that provided access to and integration of: (1) fixed information content stored on a first portable storage medium with related remote information content from a remote information content source, ***and*** (2) fixed information content stored on a second portable storage medium with related remote information content from a remote information content source, where the first and second portable storage mediums have been provided by ***different*** independent publishers.

The specification of the present application discusses two prior CD-ROM products that are updatable from online services. One of these CD-ROM products is offered by CompuServe. CompuServe specifically provides an online service that allows a CD-ROM information product to be used in conjunction with its online service. (the '062 application, p. 113, ll. 15-16.) Although this service allows a CD-ROM information product to be used in conjunction with its online service, the service provided by CompuServe is only useable in conjunction with CD-ROM content *provided by CompuServe* and does not work with any other independently published CD-ROMs (i.e., CD-ROMs published by different companies and/or people). (the '062 application, p. 113, ll. 16-20.) Accordingly, such a dedicated CD-ROM service does not provide a "satisfactory solution to *independent publishers* looking for economical update means" for their products. (the '010 application col. 9, ll. 20-22.)

The other updatable CD-ROM product discussed in the specification of the present application is provided by Microsoft. Specifically, Microsoft provides a CD-ROM based product called Complete Baseball "that can be updated with daily scores from an online service, by modem." (the '062 application, p. 113, ll. 8-10.) This information regarding Complete Baseball comes from a brochure for the product, which was apparently provided by Microsoft on Mar. 1, 1994. (the '062 application, p. 113, ll. 10-12.) Like the service offered by CompuServe, however, nothing in the brochure provided by Microsoft "suggests any separable information transport components marketable for use with *other* information products." (the '062 application, p. 113, ll. 12-13.) (Emphasis added.)

With the above in mind, the Examiner has rejected claim 140 as allegedly being unpatentable over Filepp, AAPA, and Microsoft Complete Baseball. As will be

explained further below, none of these references teach or suggest a *single* "information transport component," as recited in claim 140, that enables access at a user station, via a user interface:

to first fixed information content from a first portable storage medium together with first related remote information content from one or more remote information content sources such that the first fixed information content and the first related remote information content are presented by the user interface as a first single collection of information content, and

to second fixed information content from a second portable storage medium together with second related remote information content from one or more remote information content sources such that the second fixed information content and the second related remote information content are presented by the user interface as a second single collection of information content,

wherein the first portable storage medium and the second portable storage medium are provided by different independent publishers

Filepp

As pointed out in the Amendment and Reply of March 9, 2010, Filepp is directed to a method and apparatus for providing applications to a reception system over a network. (Filepp col. 2, ll. 51-68; col. 3, ll. 1-3.) A personal computer is configured as a reception system by the inclusion and running of reception system software that enables applications to be received by the computer over a network. (*Id.*) Specifically, Filepp discloses that applications are sent to a reception system over a network in partitions referred to as objects that are each self-contained and independently operable. (Filepp col. 5, ll. 3-38.) Each partition is sent "on demand" for execution by the receiving reception system. (*Id.*) Filepp purports that the ability to send portions of an application "on demand" increases storage efficiency at a reception system and minimizes response time. (*Id.*)

The reception system software of Filepp provides access to application data stored on diskettes 426, containing reception system software, together with applications retrieved via a network. (Filepp FIG. 1; col. 4, lines 50-57; col. 8, ll. 28-39.) Specifically, Filepp states that "objects representing all or part of partitioned applications may be stored in a user's [reception system] 400" and that "such objects are either provided on diskettes 426 together with [reception system software] used during the installation procedure or, they are automatically requested by [reception system] 400." (Filepp col. 8, ll. 28-39.) However, diskettes 426 represent portable storage media from a *single* independent publisher.

Thus, even assuming that the reception system software in Filepp can be equated to the "information transport component" recited in Applicant's claim 140, which Applicant does not acquiesce to, Filepp does not teach or suggest that the reception system software is used to "enable access . . . to first fixed information content from a first portable storage medium together with first related remote information content from one or more remote information content sources . . . *and* to second fixed information content from a second portable storage medium together with second related remote information content, . . . wherein the first portable storage medium and the second portable storage medium are provided by *different independent* publishers," as recited in claim 140.

On page 4 of the Office Action, the Examiner contends that Filepp describes the use of an operating system provided on diskettes 428. (Filepp FIG. 1; col. 4, ll. 50-57.) However, as pointed out by Applicant in the Amendment and Reply of March 9, 2010, Filepp does not teach or suggest that the *reception system software* enables access to the data stored on diskettes 428, let alone that the reception system software enables access

to the fixed information content stored on diskettes 428 "together with . . . related remote information content from one or more remote information content sources such that the . . . fixed information content and the . . . related remote information content are presented by the user interface as a single collection of information content" as recited in claim 140.

In the current non-final Office Action, the Examiner neither "took note" of this argument, nor "answered the substance" of it. Because the Office repeated the rejection of this claim without answering the substance of Applicants' argument, the current non-final Office Action is deficient. (MPEP § 707.07(f).)¹

AAPA

Without acquiescing to the propriety of the asserted combination, the background discussion in the present application does not cure the deficiencies of Filepp discussed above.

Although the background discussion lists several examples of electronic publications, including those from magazines and periodicals, software applications and utilities, video games, business, etc., the background discussion does not teach or suggest a *single* information transport component that enables access at a user station, via a user interface, to fixed information content from two different portable storage mediums, provided by independent publishers, together with related remote information content

¹ The Examiner, on pages 4-5, argues that claim 1 "does not necessary required [*sic*] access to more than one independently published portable storage medium diskette that [*sic*] the same time." Applicant agrees and does not contest this point. Applicant is not arguing that the language of claim 1 requires *simultaneous* access to more than one independently published portable storage medium and it is unclear to Applicant as to why the Examiner is raising this point.

from one or more remote information content sources, as recited in claim 140. To the contrary, the portion of the background discussion relied on by the Examiner explicitly states that general-purpose, online, electronic information services “provide *no* means for the integration of downloaded information with information products offered on disk or CD.” (Specification p. 3, ll. 12-14.) (Emphasis added.)

Nevertheless, the Examiner contends, on page 6 of the Office Action, that:

[O]ne of ordinary skill would readily recognized [*sic*] that it is well known in the art the [*sic*] internet service providers PRODIGY, COMPUSERVE and AMERICA ONLINE, are independent publishers of information that include application programs and transport tasks that would be stored on a diskette or CD that via user intervention is obviously installed on a user station. Wherein, each internet service providers [*sic*] PRODIGY, COMPUSERVE and AMERICA ONLINE each includes a type of transport component with each including a plurality of different collection of information.

The Examiner appears to contend that Prodigy, CompuServe, and America Online each provide a diskette or CD that includes a transport task for accessing their respective services and content from their respective servers.² Even assuming this is true, none of the transport tasks provided by these online services could enable access to fixed information content stored on an additional portable storage medium (i.e., other than their own CD) that was provided by an independent publisher, let alone enable access to the fixed information content stored on an additional portable storage medium “together with . . . related remote information content from one or more remote information content sources such that the . . . fixed information content and the . . .

² On page 6 of the Office Action, the Examiner refers to Prodigy, CompuServe, and America Online as Internet Service Providers. Applicant respectfully points out that Prodigy, CompuServe and America Online, as referred to in the specification of the '062 patent, were not Internet Service Providers, but rather where a collection of online service providers that used proprietary network protocols and user interface formats.

related remote information content are presented by the user interface as a single collection of information content” as recited in claim 140. Rather, and as noted above, these general-purpose, online, electronic information services “provide *no* means for the integration of downloaded information with information products offered on disk or CD.” (Specification p. 3, ll. 12-14.) (Emphasis added.)

Thus, like the reception system software disclosed in Filepp, the general-purpose, online, electronic information services discussed in the background section do not teach or suggest a *single* information transport component that enables access at a user station, via a user interface, “to first fixed information content from a first portable storage medium together with first related remote information content from one or more remote information content sources . . . *and* to second fixed information content from a second portable storage medium together with second related remote information content, . . . wherein the first portable storage medium and the second portable storage medium are provided by *different independent* publishers,” as recited in claim 140.

Microsoft Complete Baseball

Without acquiescing to the propriety of the asserted combination, Microsoft Complete Baseball does not cure the deficiencies of Filepp and AAPA, as discussed above.

Microsoft Complete Baseball, as disclosed in the specification of present application and described above, is a CD-ROM based product “that can be updated with daily scores from an online service, by modem.” (the '062 application, p. 113, ll. 8-10.) Nothing in the brochure provided by Microsoft describing Microsoft Complete Baseball “suggests any separable information transport components marketable for use with *other*

information products" (i.e., for use with information products other than Complete Baseball). (the '062 application, p. 113, ll. 12-13.) (Emphasis added.)

Thus, like the reception system software disclosed in Filepp and AAPA, Microsoft Complete Baseball does not teach or suggest a *single* information transport component that enables access at a user station, via a user interface, "to first fixed information content from a first portable storage medium together with first related remote information content from one or more remote information content sources . . . *and* to second fixed information content from a second portable storage medium together with second related remote information content, . . . wherein the first portable storage medium and the second portable storage medium are provided by *different independent* publishers," as recited in claim 140.

Because the combination of Filepp, AAPA, and Microsoft Complete Baseball fails to teach or suggest each and every feature of claim 140, it cannot render that claim unpatentable. Dependent claims 142-151, 176-178, 186, and 187 are likewise not rendered unpatentable over Filepp, AAPA, and Microsoft Complete Baseball for at least the same reasons as independent claim 140, from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 140, 142-151, 176-178, 186, and 187 be reconsidered and withdrawn.

Independent claim 179, although of different scope, recites similar distinguishing features as claim 140 noted above. Therefore, the combination of Filepp, AAPA, and Microsoft Complete Baseball does not teach or suggest each and every feature of claim 179.

Because the combination of Filepp, AAPA, and Microsoft Complete Baseball fails to teach or suggest each and every feature of claim 179, it cannot render that claim

unpatentable. Dependent claims 180-185 are likewise not rendered unpatentable over Filepp, AAPA, and Microsoft Complete Baseball for at least the same reasons as independent claim 179 from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 179-185 be reconsidered and withdrawn.

New claims 188 and 189 are similarly patentable over the combination of Filepp, AAPA, and Microsoft Complete Baseball for at least the same reason as claims 140 and 179, from which they respectively depend, and further in view of its own features. Accordingly, Applicant respectfully requests favorable consideration of claims 188 and 189.

Other Matters

Applicant notes that the Examiner rejects dependent claims 142-145, 150, 180, and 183-187 as a group. (Office Action, p. 8.) However, the diverse features recited in dependent claims 142-145, 150, 180, and 183-187 are not amenable to such a group rejection. (M.P.E.P. § 707.07(d) ("A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.") For example, dependent claim 178 recites "wherein the predefined transport tasks comprise a portable storage medium identification, wherein the portable storage medium identification can be used to access respective remote information content from one or more remote information content sources." The Office Action does not include any specific discussion of at least this feature.

In the event that the Examiner maintains the rejection of claims 142-145, 150, 180, and 183-187, Applicant respectfully requests that the Examiner in the next communication fully and clearly state the ground of rejection for each dependent claim.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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